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"PATENT"

AMENDMENT TRANSMITTAL FORM

In re application of: Alan G. Blahey et al
U. S. Serial No.: 09/806,873
Filed: April 3, 2001
For: Long Life Gas Engine Oil and Additive System

) Before the Examiner: Cepha D. Toomer
)
) Confirmation Number 6495
) Group Art Unit 1714

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

- ☒ The undersigned hereby certifies having information and a reasonable basis for belief that this correspondence will be deposited as first-class mail with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, on MARCH 11, 2002.

Transmittal herewith is an amendment/response in the above-identified application.

Petition for extension of time pursuant to 37 CFR 1.136 and 1.137 is hereby made, if and to the extent, required. The fee for this extension of time is calculated to be \$ _____ to extend the time for filing this response until _____.

The fee for any changes in number of claims has been calculated as shown below.

CLAIMS AS AMENDED						
(1)	(2) Claims Remaining After Amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7)
Total Claims	9	Minus	16	—	x 18.00	—
Indep. Claims	2	Minus	2	—	x 84.00	—
MULTIPLE DEPENDENT CLAIM FEE					\$280.00	—
FEE FOR CLAIM CHANGES						—

- * If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The total fee for this AMENDMENT, including claim changes and any extension of time is calculated to be \$ 0.

☒ Charge \$ 0 to Deposit Account No. 05-1330.

☒ The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper, or credit any overpayment, to Deposit Account No. 05-1330. A duplicate copy of this Form is enclosed.

March 11, 2002
Date of Signature

Post Office Address: [to which correspondence is to be sent]
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☒ Pursuant to 37 CFR 1.34(a)



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"PATENT"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Alan G. Blahey et al) Before the Examiner
U. S. Serial No. 09/806,873) Cephia D. Toomer
Filed: April 3, 2001) Confirmation No. 6495
Long Life Gas Engine Oil and Additive System) Group Art Unit 1714

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Commissioner for Patents
Washington, DC 20231

Sir:

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AMENDMENT

In response to the Office Letter of December 31, 2001 (Paper No. 5) please
amend the claims as set forth in the attachment captioned "Amended Claims With
Markings".

DETAILS OF AMENDMENT

Applicants amended claim 1 and 6 to indicate that the base oil has a viscosity
of 9 to 13 cSt at 100°C. Support for this amendment can be found at page 4, line 22.

I hereby certify that I have a reasonable basis for believing that this correspondence will be deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, on <u>MARCH 11, 2002</u> .		
Date of Deposit		
<u>KATHLEEN A. KUNA</u>	<u>Kathleen A. Kuna</u>	<u>MARCH 11, 2002</u>
Name of attorney or agent	Signature	Date of Signature



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PATENT TRADEMARK OFFICE

Claims 1 and 6 were also amended to indicate that the base oil is a natural or synthetic oil or mixture thereof (see original claims 2 and 7) and that the natural oil may be hydrocracked or solvent extracted (see the examples).

Claims 1 and 6 also were amended to indicate that the oils are low ash detergents (the oil of the examples falls within the low ash range of the Table on page 2 and the preferred detergent system mentioned in the first full paragraph on page 11).

New claims 10 and 11 are drawn to the hydrocracked and solvent extracted mixed base oil of the examples.

Claims 2 and 7 are cancelled and claims 4 and 9 were amended to change their dependency.

New claims 12 and 13 are drawn to the detergent system set forth at page 11, first full paragraph.

Clean copies of the amended and new claims are enclosed.

REMARKS REGARDING REJECTIONS

The Examiner rejected the claims under 35 U.S.C. 103(a) based on Inoue. Applicants respectfully request the Examiner to reconsider and withdraw that rejection.

As amended the composition and method requires use of a low ash gas engine oil detergent system which is not suggested or disclosed by Inoue. Indeed, the

ash of the composition in Applicants' examples is about 0.45 wt% whereas Inoue specifies from 0.5 to 1.2 wt% of sulfated ash. Also, Inoue requires a relatively large amount of VI improver to provide his engine oil with a multi-viscosity over the range of 5.6 to 12.5 mm²/s at 100°C. In contrast applicants employ only a minor amount of VI improver. Thus, the applicants' specified amount of the VI improver will not provide a multi viscosity composition but rather only increases the viscosity.

Finally, Inoue not only requires a specified amount of aromatics in his base oil, he also requires the presence of all his ingredients in the amount specified to achieve a synergistic effect. It would not be obvious then that a composition employing an oil of different viscosity, containing a different amount of VI improver and a low ash gas engine oil detergent would function satisfactorily. Clearly, the opposite is suggested by Inoue.

In view of the foregoing applicants request the Examiner to withdraw her rejection based on Inoue.


The Examiner rejected the claims under 35 U.S.C. § 103(a) based on Venice. Applicants respectfully request the Examiner to withdraw that rejection.

Applicants' claims require use of a gas engine detergent having a TBN of about 50 to 300 in an amount to provide a low ash composition, e.g., about 0.45 wt% ash. Vienna, among other distinctions, requires in his hydraulic fluid a neutral calcium sulfate at 7 to 12 vol% level which clearly would provide an ash in excess of that in a

low ash composition. Clearly there is no suggestion on the face of the reference of applicants' gas engine oil composition having a basic gas engine detergent in an amount to provide a low ash composition.

Applicants believe the claims as amended are now in condition for allowance and respectfully request the Examiner to pass the case to issue.

Respectfully submitted,



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☒ Pursuant to 37 CFR 1.34(a)

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